

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

OSWALDO BARRIOS,	§	
on behalf of himself and all others similarly	§	
situated,	§	
Plaintiff,	§	
	§	CIVIL ACTION NO. 5:25-cv-291-JKP-ESC
v.	§	
	§	
INSTALLATION SQUAD, LLC; AND	§	
MASTEC NETWORK SOLUTIONS, LLC,	§	
Defendants.	§	

**PLAINTIFF’S MOTION FOR LEAVE TO FILE**  
**PLAINTIFF’S SECOND AMENDED COMPLAINT**

TO THE HONORABLE UNITED STATES DISTRICT JUDGE:

Comes now Plaintiff, Oswaldo Barrios, and files this motion for leave to amend his complaint under FED. R. CIV. P. 15(a)(2). Plaintiff seeks to add MasTec North America, Inc. as a defendant.

**I. INTRODUCTION AND BACKGROUND**

Plaintiff’s lawsuit alleges that Defendant MasTec Network Solutions, LLC “contracts with DirecTV as a Home Service Provider” and jointly employed Plaintiff with its subcontractor, Defendant Installation Squad, LLC, to perform DirecTV installation and repair services. *1st Am. Com.* ¶¶ 1, 3.

In its Initial Disclosures (attached as Exhibit 1 to this motion), Defendant MasTec Network Solutions, LLC states that “MasTec Network Solutions, LLC is not the proper Defendant in this matter. While MasTec Network Solutions, LLC does not concede that it or any related entity employed Plaintiff, MasTec Network Solutions does not have any relationship with DirecTV, Installation Squad, Bernardo Napoles, or Angel Rincon.” Defendant MasTec Network Solutions,

LLC declined to name the entity that it contends is the proper Defendant in its Initial Disclosures, although it is plainly aware of individuals likely to have discoverable information that it would use to support its claim that it is not the proper Defendant. Accordingly, Plaintiff immediately sent interrogatories seeking that information.

Defendant MasTec Network Solutions, LLC answered the interrogatories on July 2, 2025. The answers are attached as Exhibit 2 to this motion. In them, Defendant MasTec Network Solutions, LLC states that MasTec, Inc., a publicly owned corporation, owns many affiliated “MasTec” entities and that “the MasTec, Inc. entity that contracted with Defendant Installation Squad, LLC is MasTec North America, Inc.”

## **II. ARGUMENTS AND AUTHORITIES**

Based on Defendant MasTec Network Solutions, LLC’s interrogatory answer, Plaintiff seeks to add MasTec North America, Inc., as a defendant in this matter. Plaintiff’s Second Amended Complaint, which adds this entity, is attached as Exhibit 3 to this motion. This pleading makes no changes to the claims or parties except for adding MasTec North America, Inc., as a defendant.

This amendment relates back to the date of the original pleading under FED. R. CIV. P. 15(c)(1)(B), (C). The amendment only asserts claims that arose out of the conduct, transaction, or occurrence set out—or attempted to be set out—in the original pleading. The amendment also changes the party or the naming of the party against whom a claim is asserted. Within the period provided by FED. R. CIV. P. 4(m) for serving the summons and complaint, the party to be brought in by amendment received such notice of the action that it will not be prejudiced in defending on the merits and knew or should have known that the action would have been brought against it, but for an alleged mistake concerning the proper party's identity.

### **III. CONCLUSION AND PRAYER FOR RELIEF**

For these reasons, Plaintiff requests that the Court grant his motion for leave and order the Clerk to file Plaintiff's Second Amended Complaint, which is attached as Exhibit 3 to this motion.

*Respectfully submitted,*

DEATS DURST & OWEN, PLLC

/s/ Matt Bachop

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Attorney for Plaintiff

### **CERTIFICATE OF CONFERENCE**

This is to certify that I conferred with counsel for Defendant MasTec Network Solutions, LLC, concerning this motion. Counsel stated that the motion is opposed.

/s/ Matt Bachop

Matt Bachop

### **CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing document has been served on all counsel of record by the Court's CM/ECF system on this 8th day of July, 2025.

/s/ Matt Bachop

Matt Bachop